THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.8940 of 1997

Dated:18.04.2007

Between
K.Swamy and others.

.....Petitioners

and

1.The Principal, Automic energy
Central School-III, DAE Colony, ECIL
Post at Hyderabad and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.8940 of 1997

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not regularizing the services of the petitioners and not allowing them to the scale of Class IV as arbitrary and illegal and consequently to direct the respondents to regularize the services of the petitioners and to allow them to the minimum time scale of pay.

It is the case of the petitioners that they have been working as casual labour with effect from 1989 and they are entitled for regularization of their services for the time scale applicable to the Class IV employees. Hence, they filed the present writ petition.

A detailed counter affidavit has been filed

by the respondents denying the allegations made by the petitioners. It is stated that as the student strength was declining from year to year, the services of the casual labour were discontinued and no casual labour has been engaged from 1998 onwards. In fact, regular Group-D employees were also required to be transferred to other centers due to surplus employees at Hyderabad center. The wages were paid to the casual labour at the rate prescribed by the Labour Department. The petitioners cannot seek regularization in view of the prevailing situation and also in view of the fact that there are no vacant posts in Group-D. The writ petition filed is without any substance and the same is liable to be dismissed.

There is no necessity to go into all the details.

Learned counsel for the petitioners stated that after filing the writ petition, the services of the petitioners were terminated by the

respondents illegally. Therefore, nothing survives for adjudication in this writ petition. However, he states that the petitioners may be given opportunity to approach the appropriate forum and work out their remedies against the termination orders passed by the respondents.

The writ petition is dismissed, leaving liberty to the petitioners to work out their remedies as available under law. No costs.

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18-04-2007

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